

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BERNARD EDWARD KRETLOW,

Plaintiff,

v.

SGT. DAHLSTROM and OFFICER ALLEN,

Defendants.

ORDER

15-cv-571-jdp

Pro se plaintiff Bernard Edward Kretlow is proceeding on an Eighth Amendment claim that defendants Dahlstrom and Allen failed to protect him from a risk of violence and a First Amendment claim that they retaliated against him. On April 14, 2017, defendants filed a motion for summary judgment. Dkt. 23. Kretlow did not respond to defendants' motion by the May 15 deadline, but he later filed two documents titled "motion for summary judgment." Dkt. 36 and Dkt. 40. Each time, I explained that Kretlow could not move for summary judgment because he missed the deadline for doing so and that if he intended the documents to serve as a response to defendants' motion for summary judgment, they did not comply with the court's pretrial conference order. Dkt. 39 and Dkt. 41. I extended the deadline for Kretlow's response brief twice and gave him specific instructions on how to respond to defendants' summary judgment motion.

The second deadline for Kretlow's response brief has come and gone with no further communication from Kretlow. So it is not clear that Kretlow intends to continue with this lawsuit. And as I previously warned him, Kretlow's failure to submit proposed findings of fact opposing defendants' motion also means that I should consider defendants' proposed findings of fact to be undisputed. Dkt. 39, at 2.

Before I dismiss this case with prejudice for Kretlow's failure to prosecute it, I will give Kretlow an opportunity to explain whether he still wants to prosecute this lawsuit. If he does, he will have to both (1) show cause why he was not able to submit a timely response to defendants' motion for summary judgment; and (2) submit a response brief, proposed findings of fact, and supporting evidence opposing defendants' motion, as I instructed him to do in previous orders.

ORDER

IT IS ORDERED that plaintiff Bernard Edward Kretlow may have until August 28, 2017, to respond to this order.

Entered August 14, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge